

Underage Drinking and Driving

Minor in Possession
MCL 436.1703
Liquor Control Code



This material was developed through a project funded by the Michigan
Office of Highway Safety Planning and the U.S. Department of
Transportation.



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Effective September 1, 2004

- Jail Penalties; 2nd or subsequent conviction
MCL 436.1703(1)(b) & (c)
 - Based upon date of **offense** on or after 9/1/04
 - Violation of probation,
 - Fail to successfully complete treatment, screening or community service, or
 - Fail to pay a fine
- Deferred Sentence MCL 436.1703(3)
 - Statute **permissive**, not mandatory
 - Based upon date of **plea** on or after 9/1/04
- Any Bodily Alcohol MCL 436.1703(1) and (15)
 - Defined as .02 BAC or higher.
- Affirmative Defense MCL 436.1703(14)
 - Consumption in a venue or location where legal

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Deferred Sentence - Eligibility

- Any prior conviction
- Any prior or existing deferred sentence
- Consent Calendar – Family Division

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Deferred Sentence – Probation and Assessments

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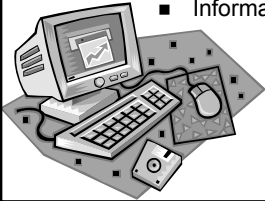
Deferred Sentence – Probation Terms

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Deferred Sentence - Reporting Requirements

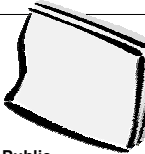
- Two abstracts to SOS. MCL 257.732(5)
 - 1) Deferred sentence status [1360R]
 - 2) Conviction or dismissal at end of probation [1360]
- Information remains on the driving record for 7 years.



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Deferred Record - Access MCL 436.1703(3)



	Non Public	Public
➤ On Probation		
➤ SOS	X	
➤ Court	X	
➤ Court may not report to a local school under the Statewide School Safety Information Policy while case is deferred.		
➤ Charges Dismissed		
➤ SOS	X	
➤ Court		X
➤ Conviction Entered		
➤ SOS		X
➤ Court		X

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MIP Statistics



- Convictions received from 09/10/04 – 11/30/04.
- Deferrals received from 09/10/04 – 11/30/04.

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Sample Driving Record

- Review of driving record
- New verbiage for deferral MIP
- Licensing sanctions and how priors are counted



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Rejection of Court Abstract

- Prior conviction; defendant ineligible for deferred sentence.
 - Convictions before 9/1/04 used as priors.
- Prior deferred sentence; defendant ineligible for subsequent deferment.
- Conviction date before 9/1/04.

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Internet Access to Driving Records

- If courts have internet access the court may access driving records thru internet.
 - A contract is required.
 - No fee.
 - Must only be used for court purposes.
 - Person accessing driving records must have a password and user code.





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Plea Bargain Restrictions; MCL 257.625(11)

Per 257.625(15), if a person is charged with a violation of subsection (1), (3), (4), (5), or (7) or section 625m, ***the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violation subsection (6)*** in exchange for dismissal for the original charge.

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